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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,595	01/08/2002	Robert W. Trichler	GRC 19.329 (100671-00050)	6456
26304	7590	01/27/2006	EXAMINER DUNWOODY, AARON M	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			ART UNIT 3679	PAPER NUMBER
DATE MAILED: 01/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/030,595	Applicant(s) TRITCHLER ET AL.	
	Examiner Aaron M. Dunwoody	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,12 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,9,12 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Newly amended claims 4-8 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original invention was drawn to a swivel joint for connection to an attachment and the group consisting of shower heads, laundry faucet arms and kitchen faucet arms.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 4-8 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9, 12, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 570890, Baird.

In regards to claims 1, 22 and 24, Baird discloses a swivel joint comprising:

a first member (C) having an externally milled barrel and a second member (F) having an internally milled barrel,

wherein the second member accommodates the first member in a relatively rotatable relationship and wherein the relationship is leak-proof;

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wherein the first and second members are held together by a cylindrically shaped housing (H) that is rotatably engaged with one member and receives the milled barrel of the other member within the housing and is adjustably engaged with the other member whereby adjustment of the housing enables the tightening of the swivel joint;

wherein the barrel of the first member is tapered to facilitate assembly with the second member which has a complementary taper;

wherein the attachment can be manually swiveled with respect to the water line and retain a position to which it is swiveled.

In regards to claim 2, Baird discloses a recess being formed in the externally milled barrel of the first member which accommodates an O-ring (J).

In regards to claim 9, Baird discloses the second member being integrally formed on a water line.

In regards to claim 12, Baird discloses the housing including an internal screw thread to on side of the wall which is designed to mate with an externally thread stem on an end on an end of the first member extending through the opening.

Claims 1, 9, 12, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5058935, Eidsmore.

In regards to claims 1, 22 and 24, Eidsmore discloses a swivel joint comprising:
a first member (76) having an externally milled barrel and a second member (18) having an internally milled barrel,

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wherein the second member accommodates the first member in a relatively rotatable relationship and wherein the relationship is leak-proof;

wherein the first and second members are held together by a cylindrically shaped housing (16) that is rotatably engaged with one member and receives the milled barrel of the other member within the housing and is adjustably engaged with the other member whereby adjustment of the housing enables the tightening of the swivel joint;

wherein the barrel of the first member is tapered to facilitate assembly with the second member which has a complementary taper;

wherein the attachment can be manually swiveled with respect to the water line and retain a position to which it is swiveled.

In regards to claim 9, Eidsmore discloses the second member being integrally formed on a water line.

In regards to claim 12, Eidsmore discloses the housing including an internal screw thread to on side of the wall which is designed to mate with an externally thread stem on an end on an end of the first member extending through the opening.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by US patent 6102449, Welsh.

In regards to claim 25, Welsh discloses a swivel joint comprising:

a first element (122) having a barrel with a first externally projecting milled face,

a second element (132) having a barrel with a second externally projected milled face,

a resiliently deformable sealing member (160) is accommodated in one of the first and second face,

a collar (140) for receiving at least a portion of the plumbing accessory outlet and at least a portion of the first and second element, the collar urging the first and second elements together in a face-to-face leak-proof and substantially rotatable relationship, the collar being slidably rotatable about the first element and engaging the second element to positionally adjust the second element in relation the first element without positionally the first element in relation to the collar; and

a thrust washer (128) disposed between the collar and one of the first and second element.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

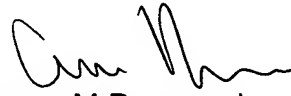
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Primary Examiner
Art Unit 3679

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